

To PUC re Docket I-2010-2163461

I do not believe that most natural gas producers in the Marcellus Shale meet the definition of a public utility. I am concerned that due to the benefits that accrue from being declared a public utility may encourage suppliers to do a token amount of distribution in order to meet the criteria in the most minimal way. The definition as reproduced from the Code does not appear to address what proportion of the business is devoted to serving retail customers beyond the exclusion of “de minimus amounts.” I believe most people would agree that a common-sense definition of a public utility cannot be applied to a business that primarily extracts natural gas. The reason that the PUC was created, as I understand it, is to protect end consumers of crucial services. It is hard to see how the companies who are extracting Marcellus Shale gas could or would be primarily serving retail customers, nor how any company set up specifically to build and maintain pipelines would either. Such a company would ultimately be transporting gas for sale on the wholesale market, or transferring the gas to a true public utility—in which case the exclusion for “Natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided” would apply.

I request that the PUC be very careful not to extend the definition of a public utility to companies which will primarily benefit (by being able to apply eminent domain), as opposed to those whose classification as such primarily benefits the PUBLIC (by regulating rates and availability).

Thank you for your time.

Sincerely,
Hilary Caws-Elwitt